

THE HONORABLE ROBERT S. LASNIK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KAELI GARNER, *et al.*,

Plaintiffs,

v.

AMAZON.COM, INC., a Delaware
Corporation, and AMAZON.COM SERVICES
LLC, a Delaware Limited Liability Company,

Defendants.

Case No. 2:21-cv-00750-RSL

**DECLARATION OF GARNER KROPP IN
SUPPORT OF AMAZON'S REPLY ISO
MOTION TO COMPEL PRODUCTION OF
DATA RELIED ON BY PLAINTIFFS'
EXPERT SERGE EGELMAN**

NOTE ON MOTION CALENDAR:
September 10, 2024

ORAL ARGUMENT REQUESTED

Garner Kropp declares as follows:

1. I am an attorney at the law firm of Fenwick & West LLP, counsel of record for Defendants Amazon.com, Inc. and Amazon.com Services LLC (“Amazon”). I have personal knowledge of the facts set forth in this declaration. If called upon to do so, I could competently testify to those facts.

2. Counsel for Amazon deposed Plaintiffs’ retained expert Dr. Serge Egelman on September 6, 2024. I attended the deposition with my colleague Jedediah Wakefield, who took the deposition.

3. Dr. Egelman co-authored the paper *Privacy Attitudes of Smart Speaker Users*, which summarizes a survey of consumer preferences and perceptions about smart speaker use. Dr. Egelman relies on this paper in his report that Plaintiffs submitted in support of class certification. See Dkt. 255-52 ¶¶ 21, 36. Attached here as **Exhibit 1** is a true and correct copy of Dr. Egelman’s paper, *Privacy Attitudes of Smart Speaker Users*. Available at <https://petsymposium.org/popets/2019/popets-2019-0068.php>.

4. At the deposition, Mr. Wakefield asked Dr. Egelman regarding Amazon’s request for production pertaining to his *Privacy Attitudes of Smart Speaker Users* publication. In response to the question, “Did you make any effort to try to get the underlying data in response to the document requests in this case?” Dr. Egelman testified, “It didn’t seem necessary, given that the paper is publicly available. The paper was peer-reviewed; it’s a peer-reviewed publication. Generally, you know, once it passes peer review and is published, no one really pays attention to the raw underlying data anymore.” Egelman Tr. at 84:20-22, 84:25-85:5.

5. In response to Mr. Wakefield’s follow-up question, “Just to clarify, I wasn’t asking if you looked at it, I was asking if you tried to get it. Did you try to get it for this case?” Dr. Egelman testified, “No, I didn’t see the need.” Egelman Tr. at 88:20-23.

6. When Mr. Wakefield asked whether Dr. Egelman runs a laboratory at Berkeley that conducted the *Privacy Attitudes of Smart Speaker Users* study, Dr. Egelman testified, “That’s correct.” Egelman Tr. at 78:13-21.

8. Mr. Wakefield asked whether Dr. Egelman “personally participate[d] in performing the survey,” referenced above in paragraph 6, to which Dr. Egelman testified, “I – as – as the senior author on the paper, I helped with the design of the study and mentored the students and, you know, checked their work.” Egelman Tr. at 79:3-10.

9. Attached here as **Exhibit 2** is a true and correct copy of the excerpts of the transcript of the deposition of Dr. Egelman referenced in paragraphs 3–8 above.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on September 10, 2024.

/s/ Garner Kropp
Garner Kropp